



STATE OF NEVADA
STATE CONSERVATION COMMISSION
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MINUTES
STATE CONSERVATION COMMISSION
Wednesday, June 13, 2007
NRCS Fallon Field Office
111 Sheckler Road, Fallon, NV 89406

The Nevada State Conservation Commission held a public meeting on June 13, 2007 at 11:00am in Fallon, NV at the NRCS Fallon Field Office, 111 Sheckler Road, Fallon, NV 89406.

The State Conservation Commission considered and acted on the following items on June 13, 2007.

Board Members Present: Keith Whipple – Lincoln County CD, Commission Chairman; Howard Glancy – Dayton Valley CD; Joe Sicking – Paradise/Sonoma CD, Commission Vice-Chairman; Vance Vesco – Big Meadow CD; Edward K. Foster, Regional Manager/Plant Industry - NV Department of Agriculture; Judy Currier – CD of Southern Nevada by speaker phone.

Board Members Absent: Dr. Rangesan Narayanan – Associate Dean UNR Department of Agriculture;

Others Present: Pamela B. Wilcox, Executive Secretary – NV Division of Conservation Districts; Kelly McGowan – NV Division of Conservation Districts; Sandi Gotta – NV Division of Conservation Districts; Shanea Evans – NV Division of Conservation Districts; Chris Freeman, Vice-President – Nevada Association of Conservation Districts; Nhu Nguyen - NV Attorney General's Office; Craig McKnight - NRCS Fallon; Jody Vesco - guest; Joann Hanks - Lahontan CD & Stillwater CD; Michelle Langsdorf - Mason Valley CD & Smith Valley CD.

I. CALL TO ORDER

A. Chairman Keith Whipple called the meeting to order at 11:04am. Introductions were made of those attending the meeting.

II. REVIEW AND APPROVAL OF AGENDA - *ACTION*

Joe moved to switch items "A" and "B" under VII-Old Business. The information that will be given by staff on legislative items may affect actions taken by the commission under item VII-A. Howard seconded the motion and motion carried.

III. REVIEW, AMENDMENT AND APPROVAL OF MINUTES - *ACTION*

A. *Approval of Minutes from April 27, 2007*

The minutes were reviewed by the commission. Howard Glancy made some suggested grammatical corrections. Joe moved to accept the minutes with Howard's suggested corrections; Vance seconded the motion and the motion carried.

IV. PUBLIC COMMENTS

A. *Three minute time limit per person, limited to items not on the agenda.*

There were no public comments.

V. REPORTS TO THE COMMISSION

A. *Status of the Division of Conservation Districts*

1. *Fiscal Report – Pamela B. Wilcox -*

a) Ms. Wilcox reviewed the current status of the FY07 Budget report for the Division of Conservation Districts and the Conservation Commission. She explained that the agency is nearing the end of the fiscal year, and it is anticipated that almost all of the funds will be expended by the end of the year.

b) Ms. Wilcox reviewed the legislatively approved budget for FY08 and FY09. The commission was pleased to see an increase in in-state and out-of-state travel. The increase in in-state travel will help allow the commission to have four face-to-face meetings during the year as they are required to do. Currently one of those meetings is a teleconference due to lack of travel funds available to meet. The out-of-state funding increase will allow both staff members, Kelly and Sandi to attend the NACD annual meeting and the NACD Legislative meeting in Washington D.C. every year instead of rotating attendance between staff.

2. ***General – Pamela B. Wilcox*** - Pam reported that administrative assistant Shanea Evans was spending a few weeks in Africa on a safari with her family and would be back for the next meeting. The commission wished her a good trip.

3. ***Conservation Districts Meeting Logs – Kelly McGowan & Sandi Gotta*** - Kelly and Sandi reviewed the logs of CD meeting agendas and minutes received in the office. The log is posted on the website and is updated weekly. They encouraged the commission and all districts to review the logs and verify the postings. It also serves as a double check for both districts and the DCD office. In addition, the logs have been updated with a color-coded system. Any cells highlighted in pink reflect either a missing item or that the minutes were not received within the 30 day period.

In reviewing the logs, the Commission noted the following concerns about districts that may not have met three times, as required:

- a. Duck Valley CD - submitted 2 agendas and no minutes; staff reported that they have contacted Duck Valley and the missing documents should be forwarded to the office soon.
- b. Quinn River CD – submitted 1 agenda and 2 meeting minutes; staff reported that they have contacted Quinn River and the missing documents should be forwarded to the office soon as well as a third meeting scheduled for next week.

4. ***General/Correspondence – Kelly McGowan & Sandi Gotta*** – Kelly and Sandi reported on the progress toward meeting the years *performance*

measurement indicators. With two weeks left in the fiscal year, the final numbers indicate a good year toward meeting the division's goals.

VI. REPORTS TO THE COMMISSION

A. Department of Conservation and Natural Resources – Allen Biaggi – No report.

B. Department of Agriculture – Edward K. Foster –

1. Mr. Foster reported that so far this year looks better as far as Mormon Cricket infestations because of a late freeze. The Nevada Department of Agriculture has hired two less people this year to implement the Mormon Cricket program. Mr. Foster supplied a copy of a map showing the 2007 Nevada Mormon Cricket survey.

2. Mr. Foster reported that Churchill County had the first recorded case of West Nile virus and was found 3 weeks earlier than in the past.

3. Mr. Foster reported that the NV Department of Agriculture was approved \$29 million for a new headquarters building in Reno. The building should be complete by 2010.

C. University of Nevada, Reno – Dr. Rangesan Narayanan – No report.

D. Natural Resources Conservation Service – Richard Vigil –

Craig McKnight reported for Richard Vigil who was not able to attend the meeting.

1. Mr. McKnight reported that after a lot of activity, the new Farm Bill is on the back burner while congress deals with other issues.

2. He reported that the Nevada NRCS is meeting their statewide goals so far this year. Bob Echmann did a national review of PMS and Nevada received very high marks in their review.

3. Casey Storm has been hired as the new State Administrative Officer (SAO) and will be starting soon. She formerly worked for NRCS in Alaska.

4. The State Engineer position is open and a hiring panel has been developed.

5. Farm Bill sign-ups for FY08 are currently being accepted until June 29th.

E. Farm Service Agency – Roger Van Valkenburg – No Report.

F. Nevada Association of Conservation Districts – Patsy Tomera -

Chris Freeman reported for Patsy Tomera who was absent.

1. Mr. Freeman reported that he attended the Advisory Board meeting for the Plant Materials Center in Fallon and expressed opportunities for conservation districts to utilize the center.

2. Mr. Freeman reported that NvACD dues are being received. Dues help assist NvACD in many areas supporting Nevada's Conservation Districts and it is hopeful that more CDs will pay dues so more efforts can be made to increase districts funding.

VII. OLD BUSINESS

B. Legislative Session Update –

Staff reported that James Settlemeyer's funding bill for districts, AB 466, did not pass. However, at the end of the legislative session, Assemblyman Settlemeyer succeeded in placing in AB 629 (a lengthy appropriations bill), Section 18, an appropriation of \$250,000 to the State Conservation Commission, to be distributed to conservation districts over the biennium (FY 07-08 and 08-09 only) pursuant to NRS 548.178. This is one-shot funding and will not be continuous funding in the base budget, as AB466 would have provided.

The commission was very appreciative of the action of the legislature and especially Assemblyman James Settelmeyer for his efforts in getting this funding.

The commission discussed the new grant provisions at length. The following items were highlighted:

1. AB 629 provides one-time funding over the next two year period, so if districts wish to continue additional funding in the future, they will have to request it again in the next legislative session.
2. The bill does not require conservation districts to match the additional funding.
3. The bill provides a total amount of \$8,928.57 per district, split over the two year period.
4. Before any additional funds can be granted, the statute requires CDs to identify the additional funding in an amended budget that is approved by the board of supervisors and by the commission.
5. CDs must expend the full amount of funding in the year it is granted, or any amount not spent must be deducted from the grant awarded the following year.
6. The Commission acknowledged the need to utilize the funding in the best possible way and encourage CDs to match the funding, although not required, to assist in legislative efforts next session.
7. The Commission discussed alternatives in awarding the funding. One option was to award half of the funds each year. However, there was concern that some districts would have difficulty amending their budget and expending that much additional funding this first year. Another option was to award a smaller grant amount this year, and a larger amount (the balance) next year to allow CDs to develop good ideas for the funds, and in some cases to search for grants for which these funds could provide a match.

After discussing item VII. B., the commission took the following actions:

- a. Joe moved to direct staff to search for alternatives for the new funds that could be implemented within current regulations. Staff is to ask CDs what they would prefer to best utilize the funding. Staff will come back at the next commission meeting with alternatives to choose from and staff recommendations. Vance seconded the motion and the motion passed unanimously.
- b. Joe moved to direct staff to contact James Settelmeyer and not only thank him for his efforts, but also get a clear understanding of how he envisioned the funding best be utilized. Judy seconded the motion and the motion passed unanimously.

A. Discussion of different methods and ideas to help Districts be more efficient in submitting reports on time - *ACTION*

The commission reviewed the log of CD required reports and the dates they were received in the office. Staff informed the commission that these reports are also available on the website and are updated weekly also. Staff informed the commission that the report has also been updated with a color coding system that indicates whether a report has been received before the deadline as identified in NRS. The reports that were received after the deadline are indicated in pink.

8. They noted the following missing reports:

a) Duck Valley – Budget, Annual Workplan and Election Forms were not received on time. Staff submitted a Budget and Annual Workplan that was received this morning. The Election Form was not received.

b) White Pine CD – Election Form was not received. Staff has been in contact with White Pine CD requesting the form, however the White pine CD is on the general election ballot and it has made it more difficult to obtain because there were no contests for the vacant positions. Staff will continue to follow-up.

The commission asked Nhu Nguyen – Deputy NV Attorney General - for guidance. Ms. Nguyen acknowledged that the conservation district program in Nevada was an excellent program and provided the state with many benefits. She also commended conservation district supervisors for their volunteer efforts and time in conserving Nevada's natural resources. She offered the following observations and suggestions:

The commission has been very lenient in the past in allowing CDs an 'unwritten grace period' after the deadline that is identified in Nevada Administrative Code (NAC) 548. While understanding the reasoning for the grace period, she also acknowledged that the deadlines are very clearly written in the law. The guidelines to find a conservation district in 'Good Standing' are also very clear. She advised the commission that she believed it was very important that they follow their own regulations. She reminded the commission that conservation districts are a sub-division of state government and are also regulated under the Nevada Open Meeting Law, NRS Chapter 241. This requires conservation districts to hold public meetings, post agendas within the 4 working day timeframe, and post minutes within 30 days of the meeting. Conservation districts also use public funds and are responsible for using those funds and meeting the requirements under NRS and NAC. Ms. Nguyen advised the commission to adhere to the requirements of NRS, NAC and of "Good Standing" and eliminate any grace period they have allowed in the past.

The Commission thanked Ms. Nguyen for her attendance and support. The information she provided to the commission was very useful. Ms. Nguyen offered her assistance at any time and thanked the commission for their efforts.

Concern was raised that if the commission did not adhere to requirements in their own regulations, it may jeopardize the CD grant program and other CD programs and projects as well as efforts of the Division. Concern for future efforts for additional funding, either state, federal or private, could be jeopardized also.

Following a lengthy conversation, Joe moved to direct staff to write a letter to all conservation districts informing them that they would be given one year to come into compliance with the requirements of NAC 548.110. Judy seconded the motion. The commission confirmed that the decisions already made regarding "good standing" and grant eligibility for fiscal year 2007-2008 would stand. However, all requirements and deadlines must be met during this fiscal year, starting July 1, 2007. When the commission makes decisions a year from now regarding "good standing" and grant eligibility for fiscal year 2008-2009, any district which has not complied with all requirements of law would not be found in "good standing" and thus would not be eligible to receive ANY grant funding. The motion passed unanimously.

The commission recognized the fact that it may be a difficult transition for some districts, however, requiring compliance with the law was necessary so all funding and programs were not jeopardized. Commissioners also felt strongly that additional

funding also means additional responsibilities, and the commission looked forward to 'new beginnings'.

Implications this could have were discussed. Any district not in "good standing" and not eligible for a grant next year would lose the existing base grant of \$5,000/year, and also the second year of new funds made available by the legislature.

☀ *At this point, the commission adjourned for lunch at 12:15pm. At 1:30pm, Chairman Whipple called the meeting back to order.*

VIII. NEW BUSINESS

A. Review compliance of Districts to Open Meeting Law and review of District Meeting

Logs - *ACTION*

The Commission reviewed the meeting logs and NRS110 and how they apply to Good Standing requirements. Compliance with requirements that minutes of meetings be submitted within 30 days appears to be the most difficult thing for some districts to achieve. The Commission discussed ways in which this problem could be addressed.

Several commissioners expressed concern that a district that met all other requirements could lose their grant eligibility if they submitted one set of minutes a few days late. This seemed unfair. One option would be to amend the regulations to give districts a little more leeway, by requiring the submittal of minutes within 30 days only for the three meetings required by the regulations. Any additional meetings held by a district would still need to meet the Open Meeting Law requirements, including the posting of minutes within 30 days; however it would not affect the commission's ability to declare them in Good Standing as long as they met the time requirement for the three required meetings.

Staff discussed options to assist CDs in completing their agendas and minutes. One suggestion included contacting the county. It is possible that the individual that does minutes and agendas for other county boards may be willing to do the minutes for the CD. Another possibility would be to contact high schools or college students who would be willing to take on a part time job to do the minutes. Staff will continue exploring other options to make the requirements easier for districts.

After the records were reviewed, Joe moved and Ed seconded to find all 28 districts preliminarily met the requirement to hold three meetings except Duck Valley CD, Quinn River CD and Owyhee CD. The motion included the provision that these three districts would be found to have met the requirement if/when they provide the necessary proof to staff that they held the three required meetings. Minutes must be provided showing that these meetings were held before June 30th, 2007. Motion passed unanimously.

B. Review of Conservation Districts Budgets for FY 2008. Determination of compliance of Budgets with legal requirements (NAC 548.120(2)) - *ACTION*

The commission reviewed and discussed the budgets for each conservation district for FY 2007-2008.

1. Big Meadow – Joe moved to approve their budget. Ed seconded the motion. Motion passed.
2. Carson Valley – Joe Sicking moved to approve their budget. Ed seconded the motion. Motion passed.
3. CD of Southern NV – Vance moved to approve their budget. Joe seconded the motion. Motion passed.
4. Clover Valley – Judy moved to approve their budget. Joe seconded the motion. Motion passed.
5. Dayton Valley – Judy moved to approve their budget. Ed seconded the motion. Motion passed.
6. Duck Valley – Joe moved to approve their budget. Howard seconded the motion. Motion passed.
7. Esmeralda County – Vance moved to approve their budget. Ed seconded the motion. Motion passed.
8. Eureka – Judy moved to approve their budget. Joe seconded the motion. Motion passed.
9. Jiggs – Joe moved to approve their budget. Howard seconded the motion. Motion passed.
10. Lahontan – Joe made a motion to approve their budget. Vance seconded the motion. Motion passed.
11. Lamoille – Judy moved to approve their budget. Howard seconded the motion. Motion passed.
12. Lander County – Joe made a motion to approve their budget. Howard seconded the motion. Motion passed.
13. Lincoln County – Howard moved to approve their budget. Joe seconded the motion. Motion passed.
14. Mason Valley – Joe moved to approve their budget. Vance seconded the motion. Motion passed.
15. Nevada Tahoe – Judy moved to approve their budget. Vance seconded the motion. Motion passed.
16. Northeast Elko – Joe made a motion to approve their budget. Ed seconded the motion. Motion passed.
17. Owyhee – Joe moved to approve their budget. Vance seconded the motion. Motion passed.
18. Paradise-Sonoma – Howard moved to approve their budget. Ed seconded the motion. Motion passed.
19. Quinn River – Vance moved to approve their budget. Joe seconded the motion. Motion passed.
20. Ruby Valley – Howard moved to approve their budget. Ed seconded the motion. Motion passed.
21. Smith Valley – Joe moved to approve their budget. Howard seconded the motion. Motion passed.
22. Southern Nye County – Joe made a motion to approve their budget. Judy seconded the motion. Motion passed.
23. Starr Valley – Joe moved to approve their budget. Vance seconded the motion. Motion passed.

24. Stillwater – Vance moved to approve their budget. Joe seconded the motion. Motion passed.
25. Tonopah – Judy made a motion to approve their budget. Joe seconded the motion. Motion passed.
26. Vya – Joe made a motion to approve their budget. Judy seconded the motion. Motion passed.
27. Washoe Storey – Joe moved to approve their budget. Vance seconded the motion. Motion passed.
28. White Pine – Joe moved to approve their budget. Judy seconded the motion. Motion passed.

C. Review of Conservation Districts Annual Workplan for FY 2008. Determination of compliance of Annual Workplans with legal requirements (NAC 548.120 (2)) - *ACTION*

The annual workplans submitted by each district were reviewed and discussed. Joe moved, Vance seconded to approve all Conservation District Annual Workplans. Motion passed unanimously.

D. Preliminary finding of “Good Standing” status of Conservation Districts (NAC 548.090 (1)) - *ACTION*

Joe moved to find a preliminary Good Standing status for all 28 Conservation Districts except Duck Valley, White Pine, Quinn River and Owyhee CDs. It was noted that the following districts still had requirements to meet:

1. Duck Valley CD - must still submit their Election Form as well as minutes and agendas for three meetings;
2. White Pine CD - needs to submit their Election Forms;
3. Quinn River CD – minutes and agendas for three meetings;
4. Owyhee CD – minutes and agendas for three meetings.

E. Preliminary designation of Conservation Districts eligible for Commission Grants in

FY 2008 (NAC 548.120 (2)) *ACTION*

Joe moved, Howard seconded a motion to find all 28 districts preliminarily eligible to receive a grant of funding, assuming they all bring themselves into “good standing.”

IX. STAFF ITEMS – Division Staff Comments

A. Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements and discussions proposed for action at future meetings.

1. Staff reported that Chris Freeman and Kelly McGowan met with members of NACD to plan the NACD annual meeting which will be held in Reno in February of next year. NACD is looking for volunteers to help with set-up, registration, etc. and offered to assist in registration deductions for volunteer time in the conference. They will need about 12 people to help. The focus of this year’s annual meeting will be more focused on western issues such as urbanization and the loss of agricultural lands.
2. Sandi and Kelly will be attending the NACD Legislative Conference in Washington DC July 22-25th. They will be meeting with the state’s senators and congress representatives to discuss issues specific to Nevada that they can assist

with. Staff informed the commission that they would be happy to discuss any concerns or suggestions they had.

X. COMMISSIONER ITEMS

A. Comments, Reports, Items to be included on the next agenda.

1. The Commission requested a letter be sent to ALL legislators for their support of AB629 on the commission's behalf. Staff will develop and send a letter for them.
2. The Commission requested purchasing a plaque for James Settelmeyer to thank him for his support of and service to the commission and conservation districts. The commissioners will all contribute toward the purchase. Staff will purchase the plaque so that it can be presented to Mr. Settelmeyer at the next meeting if he can attend.

XI. PUBLIC COMMENTS

A. Three-minute time limit per person, limited to items not on the agenda.

There were no public comments.

XII. NEXT COMMISSION MEETING - *ACTION*

A. Set time and place – The next commission meeting will be held the 2nd week in August in Carson City if possible. Staff will follow-up and inform the commission of the date as soon as possible.

B. Agenda Items – The commission requested an agenda item to begin the process of amending the regulations and/or grant policy to read that minutes must be filed within 30 days for "at least 3 meetings" to meet the Good Standing requirements.

XIII. GREAT BASIN PLANT MATERIAL CENTER TOUR IN FALLON, NV

The Conservation Commission toured the Great Basin Plant Material Center in Fallon, NV. The Commission attended the tour at approximately 3:30 pm. The Commission learned how the Plant Materials Center activities will assist with conservation activities in Nevada. The Great Basin PMC is the newest plant materials center and services four states including Nevada, Oregon, California and Utah. Some projects include poplars tested as a source for biofuels; stabilizing soil on abandoned cropland; and cheatgrass displacement being studied. The commission was impressed with the center and looked forward to seeing its progress.

XIV. ADJOURNMENT - *ACTION*

Chairman Whipple adjourned the meeting at 2:55 to attend the tour at the Great Basin Plant Material center in Fallon, NV.